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REMARKS

Claims 1-20 are pending in the application, Claims 1, 7, 14, 15, 17 and 20 being the independent claims.

Claims 1-2, 6-9 and 11-20 were rejected under 35 USC 102(b) as being anticipated by US Patent 5,659,350 (Hendricks et al.); Claims 3-4 were rejected under 35 USC 103(a) as being unpatentable over Hendricks in view of US Patent 6,178,447 (Wannenmacher et al.) and Claims 5 and 10 were rejected as being unpatentable over Hendricks in view of US Patent 6,005,597 (Barrett et Al.).

In view of the foregoing claim amendments and the following discussion, each of these rejections is respectfully traversed and reconsideration is requested.

First Applicant notes that as explained in the specification as filed, in a method according to Applicant's teachings, "index data is continuously and repeatedly broadcast over the entire area" (para. [0049]) -- and "receiver 40 is alerted that tuning data 104 follows on index data signal 34 *when it detects its identifier 102*" -- "receiver 40 then downloads tuning data 104, stores the tuning data in memory 68 and uses the tuning data to receive information the user requested in user profile data 16" (para. [0051]). Hendricks fails to teach or suggest these features.

Independent Claim 1 is directed to a method for receiving in a broadcast system, at a receiver having a unique identification number, only designated information, the method including the steps of: monitoring a broadcast index signal containing tuning data, detecting the unique identification number associated with the receiver in the broadcast index signal, downloading the tuning data subsequent to detecting the unique identification number in the detecting step, storing the downloaded tuning data in memory and tuning and receiving a program signal containing program data associated with a program using the tuning data stored in the storing step.

Independent Claim 15 is directed to a computer readable medium for requesting and receiving in a broadcast system, at a transceiver having a unique identification number, only designated information, the computer readable medium containing program instructions that, when loaded into a processor, cause the processor to perform the steps recited in Claim 1.

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Applicant respectfully submits that Hendricks fails to teach or suggest a method for receiving only designated information, at a receiver having a unique identification number -- that includes the step of 'monitoring a broadcast index signal containing tuning data', and then 'detecting the unique identification number associated with the receiver, in the broadcast index signal'. The Office Action directs Applicant to "col. 19, lines 36-41, and "i.e. program control information signal" as providing a teaching of "monitoring a broadcast index signal containing tuning data".

Applicant finds no teaching of "monitoring a broadcast index signal" in Hendricks, and not specifically at col. 19, lines 36-41 -- should this rejection be maintained, clarification as to the alleged teachings of "monitoring a broadcast index signal containing tuning data" is requested. Similarly, the Action directs Applicant to "Col. 20, lines 63-67" of Hendricks as teaching the step of "detecting the unique identification number associated with the receiver, in the broadcast index signal". This section of Hendricks simply states that "the subscriber region designation 926 is a 4-bit field that indicates the geographical region in which the subscriber's set top terminal 220 is housed...[t]he set top terminal identifier 928 is a 16-bit field that uniquely identifies each set top terminal 220". Applicant submits that this does not teach, or even suggest, that a receiver "monitors a broadcast signal..." and "detects the unique identification number in a broadcast index signal".

For at least the foregoing reasons, Applicant submits that each of independent Claims 1 and 15 is patentable over Hendricks.

Independent Claim 7 is directed to a method for requesting and receiving designated information in a broadcast system, at a transceiver having a unique identification number the method including the steps of: transmitting to a wireless communication system a request signal, the request signal including the unique identification number and a request for a program; receiving from the wireless communication system a broadcast index signal containing the unique identification number associated with the receiver and tuning data; storing the tuning data in memory; and receiving a program signal containing program data, associated with a program, using the stored tuning data.

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Independent Claim 17 is directed to a computer readable medium for requesting and receiving in a broadcast system, at a transceiver having a unique identification number, only designated information, the computer readable medium containing program instructions that, when loaded into a processor, cause the processor to perform the steps recited in Claim 7.

The Action directs Applicant to Col. 36, lines 7-57 of Hendricks as allegedly teaching “transmitting to a wireless communication system a request signal and a receive signal” (Applicant notes that the language recited in each of Claims 7 and 17, i.e., the “request signal including the unique identification number and a request for a program” is *not* addressed in the Action – clarification as to the teachings of this element is therefore respectfully requested). Applicant submits that Col. 36, lines 7-57, describe only the “compressing and transmitting program signals”, and specifically how the “packaged television program signal is prepared for satellite transmission and sent *from* the Operations Center 202 *to the cable headend* 208 via satellite 206” (lines 8-11) – Col. 36, lines 7-57 do not however teach or suggest the step of “transmitting to a wireless communication system *a request signal*, the request signal *including the unique identification number and a request for a program*”.

The Action also directs Applicant to Col. 21, lines 4-16 for support of this recited step. Again, Applicant submit that this section of Hendricks also completely fails to teach or suggest “transmitting to a wireless communication system a request signal, the request signal including the unique identification number and a request for a program” – the cited section of Hendricks simply discusses the use of P/F bit 930 to command a polling response from the set top terminal addressed – this does not however, teach the transmission of a request signal, the signal including a unique identification number and a request for a program.

For at least the foregoing reasons, Applicant submits that each of independent Claims 7 and 17 is patentable over Hendricks.

Independent Claim 14 is directed to a method for requesting and receiving designated information in a broadcast system, at a first transceiver having a unique identification number, the method reciting the steps of Claim 7, and also the additional step of *transmitting at least a portion of the stored tuning data from the first transceiver to a second transceiver*.

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Independent Claim 20 is directed to a computer readable medium for requesting and receiving in a broadcast system, at a first transceiver having a unique identification number, only designated information, the computer readable medium containing program instructions that, when loaded into a processor, cause the processor to perform the steps recited in Claim 14.

Again with respect to Claims 14 and 20, the Office Action directs Applicant to Col. 36, lines 7-57 and Col. 21, lines 4-16. For all of the reasons noted above, Applicant can find absolutely no teaching or even suggestion in Hendricks, at Cols. 21 and 36, or any other location in Hendricks, of a method that includes *"transmitting from the first transceiver to a wireless communication system a request signal, the request signal including the unique identification number and a request for a program"* – in addition, Hendricks fails to then teach or suggest *"transmitting at least a portion of the stored tuning data from the first transceiver to a second transceiver"*.

For at least the foregoing reasons, Applicant submits that each of independent Claims 14 and 20 is patentable over Hendricks.

CONCLUSION:

It is respectfully submitted that all pending claims are in condition for allowance, and a Notice of Allowance is respectfully requested. Should the Examiner be of the view that an interview would expedite consideration of the application, request is made that the Examiner telephone the Applicants' attorney at (908) 518-7700 in order that any outstanding issues be resolved.

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FEES:

The Commissioner is authorized to charge the extension fee, and any additional fees, that may be due and owing as a result of this response to the undersigned attorney's PTO Deposit Account number 50-1047.

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Respectfully submitted,


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